

# Notice of Allowability

Application No.

09/982,652

Examiner

KIEU-OANH BUI

Applicant(s)

KRAPF ET AL.

Art Unit

2623

## -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to the amendment filed on 11/21/2007.
2. ☒ The allowed claim(s) is/are 1-48, 81 and 83.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☐ All   b) ☐ Some\*   c) ☐ None   of the:
    1. ☐ Certified copies of the priority documents have been received.
    2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.


**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS ( as "replacement sheets") must be submitted.
  - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review ( PTO-948) attached
    - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
  - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

### Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO/SB/08),  
Paper No./Mail Date \_\_\_\_\_
4. ☐ Examiner's Comment Regarding Requirement for Deposit  
of Biological Material
5. ☐ Notice of Informal Patent Application
6. ☐ Interview Summary (PTO-413),  
Paper No./Mail Date \_\_\_\_\_
7. ☐ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other \_\_\_\_\_

  
**KIEU-OANH BUI**  
**PRIMARY EXAMINER**

## DETAILED ACTION

### *Remark*

1. Claims 49-80, 82, and 84 have been previously cancelled. Claims 1-48, 81, and 83 are pending for reconsideration.

### *Allowable Subject Matter*

2. Claims 1-48, 81, and 83 have been allowed.

### *Reasons for Allowance*

3. The following is an examiner's statement of reasons for allowance:

Regarding claims 1 and 25, the closest prior arts of record issued to Hite and Swix either alone or in a combination fails to teach or suggest the present invention for a method for displaying a targeted advertisement to a viewer of a display of an audiovisual system in conjunction with displaying a broadcast stream on the display, the method comprising: selecting a broadcast stream; displaying the selected broadcast stream on the display; receiving a first signal from a viewer control interface indicating a viewer command to the audiovisual system, **wherein the audiovisual system is responsive to the viewer command by initiating a corresponding action selected from the group consisting off fast-forwarding the selected broadcast stream, pausing the selected broadcast stream, replaying the selected broadcast stream, and performing a program search; defining a viewer profile of the viewer of the display based on the viewer command; selecting a first advertisement from a plurality of stored advertisements based on the viewer profile of the viewer of the display; and displaying the first advertisement on the display.**

While Hite teaches the use of an algorithm that selects advertisements based on "information provided directly or indirectly by the viewer," Hite does not teach or suggest the claimed feature of defining a viewer profile based on the viewer commands that are specifically recited in Claim 1. (Hite col. 8, lines 18-38). Likewise, Swix fails to teach or suggest the selection of an advertisement based on a viewer profile that is defined based on the viewer commands enumerated in amended Claim 1. Swix teaches selecting an advertisement based on "viewing events." (Swix col. 3, lines 24-47). For example, Swix teaches that the "viewing events" include data about a channel that is viewed, a switch to another channel, use of a VCR, or invocation of an interactive application. (Swix col. 3, lines 48:64). None of these "viewing events" satisfies the claimed viewer commands of "fast-forwarding the selected broadcast stream, pausing the selected broadcast stream, replaying the selected broadcast stream, or performing a program search." Instead, Swix teaches, for example, that ads are chosen to be presented to a viewer based on the user's selection of a particular broadcast stream. (*See, e.g.*, the example given in Swix where an ad for a western-style restaurant is selected for presentation based on the fact that the viewer had previously chosen to watch a "western" movie; Swix at col. 11, lines 11-33). However, Swix does not teach or suggest selecting an ad based on a viewer profile that is based on viewer commands to fast-forward, pause, or replay the selected stream, or to perform a program search.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

***Conclusion***

4. **Any response to this action should be mailed to:**  
Commissioner of Patents and Trademarks  
Washington, D.C. 20231

**or faxed to PTO New Central Fax number:**  
**(571) 273-8300, (for Technology Center 2600 only)**

*Hand deliveries must be made to Customer Service Window,  
Randolph Building, 401 Dulany Street, Alexandria, VA 22314.*

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to "Krista" Kieu-Oanh Bui whose telephone number is (571) 272-7291. The examiner can normally be reached on Monday-Friday from 9:30 AM to 7:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John W. Miller, can be reached at (571) 272-7353.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



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Primary Examiner  
Art Unit 2623